

REMARKS

Claims 1-17 are all the claims pending in the application. New claims 12-17 are added via this amendment.

I. Claim Rejection under 35 U.S.C. § 102

Claims 1, 3, 8 and 11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Lemilainen et al. (U.S. Patent No. 6,681,259).

Applicants respectfully submit that Lemilainen does not teach or suggest each of the claimed features. For example, claim 1 recites, *inter alia*, “selecting means for selecting one of said plurality of radio transmitting/receiving devices *in accordance with a data type of data signal to be transmitted or received.*” Claim 11 recites “selecting one of a plurality of radio transmitting/receiving devices which are different at least in data communication speed from one another *in accordance with a data type of data signal to be transmitted or received.*” These features provide aspects not disclosed by Lemilainen, such as, for example, allowing data to be efficiently transmitted or received based on the data type. Lemilainen does not disclose at least these features.

Instead, Lemilainen discloses a wireless terminal which connects to a local area network LAN and a plurality of wireless communication networks (a wireless local area network WLAN, and a GSM mobile communication network MNW) for packet switched data transmission. The wireless terminal has network interface cards NIC1-NIC3 for connecting to the networks, and NIC drivers D1-D3 corresponding to the interface cards NIC1-NIC3, respectively. A network interface selection driver NISD controls the NIC drivers D1-D3 to select one of these communication networks for data transmission.

Lemilainen teaches, however, that the network interface selection driver NISD selects the one “network with the highest priority which is advantageously selected from the networks with *adequate connection quality.*” (See col. 13, line 66- col. 14 line 2; and col. 3, lines 30-37, of Lemilainen). Lemilainen does not distinguish based on the data type, but instead focuses on the quality of the transmission so as to manipulate the data transmission network to obtain the best possible connection. Therefore, at least the claimed selecting features are not disclosed by Lemilainen and the selecting in Lemilainen based on connection quality alone does not disclose the claimed features.

Accordingly, Applicants respectfully submit that the features of claims 1 and 11 are not disclosed by Lemilainen, such that the rejection under 35 U.S.C. § 102(e) should be withdrawn. The rejection of claims 3 and 8 should likewise be withdrawn at least due to these claims depending from claim 1.

II. Claim Rejections under 35 U.S.C. § 103

Claims 2, 4-5, 7, 10 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lemilainen et al. (USP 6,681,259 [hereinafter “Lemilainen”]).

Applicants respectfully submit that claims 2, 4-5, 7 and 10 are patentable over Lemilainen under 35 U.S.C. § 103(a) at least due to their dependency on claim 1. This is because the application of Lemilainen in the 35 U.S.C. § 103(a) rejection does not make obvious the features of claim 1, as explained above.

III. NEW CLAIMS

New claims 12-17 are added to obtain more varied protection for the invention and are submitted to be patentable over the art due to their novel and unobvious features.

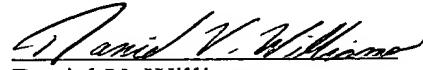
AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No.: 09/961,282

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In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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